



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Warren Oliver Company

File: B-228081.2

Date: December 3, 1987

DIGEST

Protest that specifications for fire detection system unduly restrict competition by including unnecessary features is denied where the record supports the procuring agency's determination that the features are required to meet the needs of the government.

DECISION

Warren Oliver Company protests that certain terms of invitation for bids (IFB) No. 7-S1-10-03800/DC-7726, issued by the Department of the Interior, Bureau of Reclamation, are unduly restrictive. We deny the protest.

The IFB is for the furnishing and installation of various fire protection enhancement facilities and equipment in the third powerplant at Grand Coulee Dam. The fire protection system for all of the Grand Coulee project has been the subject of several years' study and analysis. Interior's requirement was for an interactive system, that is, one that would allow electronic monitoring and remote testing of the fire sensors. Fire detection equipment that provides remote testing and adjusting features for the sensor heads is made by Pyrotronics, and since Interior was unaware of any other manufacturer of a system providing these features, the IFB specification set forth "minimum standards of performance, quality and construction . . . based upon equipment designed and manufactured by Pyrotronics. . . ."

Oliver protests that the specification is restrictive due to the reference to the Pyrotronics system. Oliver believes not only that the requirement should be defined strictly in generic, functional terms, but also that there really is no reason to require a system with remote testing and adjusting features. In this regard, Oliver maintains that these remote features will not satisfy testing procedures endorsed by the National Fire Protection Association (NFPA).

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In preparing a solicitation for supplies or services, a contracting agency must specify its needs and solicit bids or offers in a manner designed to achieve full and open competition, so that all responsible sources are permitted to compete. 41 U.S.C. § 253(a)(1)(A) (Supp. III 1985); see Abel Converting, Inc., B-224223, Feb. 6, 1987, 87-1 CPD ¶ 130. Consequently, when a protester challenges specifications as unduly restrictive of competition, the procuring agency bears the burden of presenting prima facie support for its position that the restrictions are necessary to meet its actual minimum needs. CAD/CAM On-Line, Inc., B-226103, Mar. 31 1987, 87-1 CPD ¶ 366. Determinations of the agency's minimum needs and the best method of accommodating those needs are primarily matters within the agency's discretion and, thus, once the agency establishes support for the challenged specifications, the burden shifts to the protester to show that the specifications are clearly unreasonable. Id.

Interior explains that the fire protection system here was designed to monitor all Grand Coulee Dam project facilities from a central location; an estimated 2,000 smoke detectors, fire sensors, and fire suppression equipment monitoring devices will be monitored from this location. The remote features called for will enable the central operator who is monitoring the fire detection system to address each individual detection head for purposes of testing and setting its sensitivity. This feature will permit the frequent testing and sensitivity monitoring needed to keep the detection system operating at peak efficiency while not requiring additional personnel. The agency reports that if conventional sensor heads were used, additional personnel would be needed to routinely go around the Project testing and adjusting them.

In addition to not requiring additional manpower for maintenance, the interactive heads reportedly will eliminate the need for frequent outages of power generation facilities (such as the interior of generators, and high voltage power cable tunnels and switchyards) to permit physical inspection without danger to personnel. A significant number of the detector heads will be installed in these areas as part of the fire protection enhancement program and the use of the interactive heads for testing and adjustment will allow the system to operate without compromises in reliability due to restricted access to them.

The agency states that because of its need for these critical remote features, the planning and design work for all the task orders to implement the fire protection enhancement program has incorporated the Pyrotronics-type equipment; this will assure that a totally compatible,

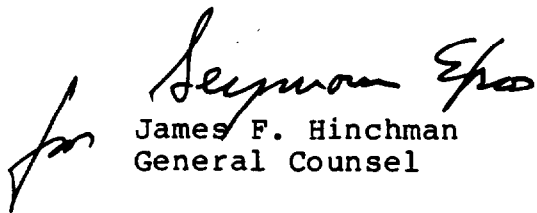
project-wide, integrated system possessing these features will be furnished.

We find that Interior has justified the requirement for a Pyrotronics-type fire detection system with remote testing and adjusting features. Even if the remote features will not be useful for testing the system in the manner recommended by NFPA, these features clearly will increase the agency's capability to monitor closely the operability of the sensors; this capability, in conjunction with regular testing, would seem to make available the best possible means of keeping the system operating properly. A study conducted for the agency, moreover, specifically found that the remote features were desirable for an updated system.

We find the IFB's reference to a Pyrotronics-type system similarly unobjectionable. The IFB did not restrict bidders to offering the Pyrotronics system, but merely indicated that any system, to be acceptable, must have the same capabilities. We thus view the reference to Pyrotronics as informational in nature, not improperly restrictive. See World-wide Security Service, Inc., B-228718, Nov. 17, 1987, 87-2 CPD ¶ ____.

We conclude that Interior has justified the challenged requirements and that Oliver has not shown them to be unreasonable or otherwise improper; an agency's determination of its minimum needs is not unreasonable merely because the protester disagrees with it, Mainmark Associates, Ltd., B-222454, July 3, 1986, 86-2 CPD ¶ 31, or because the protester cannot comply with particular requirements. General Electric Co., Mobile Communications Business, B-225381, Feb. 6, 1987, 87-1 CPD ¶ 133.

The protest is denied.


James F. Hinchman
General Counsel